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David H. Bernstein (dhbernstein@debevoise.com) Michael Schaper (mschaper@debevoise.com) Christopher J. Hamilton (cjhamilton@debevoise.com) **DEBEVOISE & PLIMPTON LLP** 919 Third Avenue New York, New York 10022 (212) 909-6696 (telephone) (212) 521-7696 (facsimile)

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Attorneys for Plaintiff Bayer HealthCare LLC

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

BAYER HEALTHCARE LLC,

Plaintiff,

: ECF CASE

11 CIV. 6347 (PKC)

v.

ORDER OF CONTEMPT

CIPLA LTD., VERITAS PHARMA PTE. LTD. d/b/a OTC: PET MEDS, RONIN VENTURES PTE. LTD. d/b/a TRUSTED PET MEDS, OKPET.COM, ARCHIPELAGO: AND SANCTIONS SUPPLIERS PTY LTD d/b/a FREEDOM-PHARMACY.COM and USAPHARMACYPILLS.COM. : HEALTHY CHOICE PHARMACY.COM INC. d/b/a THE: PHARMACY EXPRESS, SAVA MEDICARE LTD. and : ABC COMPANIES 1-100.

Defendants.

On November 3, 2011, this Court entered a Preliminary Injunction Order ("Preliminary Injunction Order") against Defendants Veritas Pharma Pte. Ltd. d/b/a OTC Pet Meds ("OTC Pet Meds"), Ronin Ventures Pte. Ltd. d/b/a Trusted Pet Meds ("Trusted Pet Meds") and OKPet.com (collectively, the "Defendants"). This Court then entered a

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Default Judgment Order (the "Order") against Defendants on December 6, 2011 enjoining the Defendants, from *inter alia*, distributing, selling, offering for sale, advertising, promoting or displaying in the United States infringing products, namely DA DOUBLE ADVANTAGE and gray market Bayer pet medicines not intended for sale to consumers in the United States ("Enjoined Products"). This Court also ordered Defendants to recall any Enjoined Products, issue corrective advertising, pay Bayer \$100,000 each, and submit to this Court sworn affirmations of compliance with the Order by January 5, 2012.

None of the Defendants has paid to Bayer a sum of US \$100,000. None of the Defendants has submitted to this Court a sworn affirmation detailing its compliance with the other provisions of this Court's Order. Defendants are therefore in violation of this Court's Default Judgment Order.

Defendant OKPet.com has also continued to advertise and offer for sale Enjoined Products on its website, and through paid advertisements on Google, in further violation of this Court's Default Judgment Order.

Therefore, it is hereby ORDERED, ADJUDGED and DECREED:

1. The Defendants are in civil contempt of the Default Judgment Order entered by this Court on December 6, 2011 for failure to pay Bayer US \$100,000 in compliance with the Default Judgment Order, and for failure to submit to this Court a sworn statement of its compliance with that Order.

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- OKPet.com is also in civil contempt of the Default Judgment Order entered by this Court on December 6, 2011 by offering for sale and advertising Enjoined Products in the United States.
- 3. Verisign Inc., as the registry operator for the .com top level domain, is ORDERED, to change, within ten (10) days of its receipt of a copy of this Order, the registrar of record for the domain names www.otcvetmeds.com, www.okpet.com, and www.trustedpetmeds.com, to a registrar selected by the Plaintiff, which subsequently shall register the domain names in the name of Plaintiff.
- 4. All banks, credit card companies, and payment processing companies who receive notice of this Order, including but not limited to Visa International, Inc., Mastercard, Inc., American Express, Inc., Discover Bank, Paypal, Inc., and Google Checkout, are ORDERED, within ten (10) days of their receipt of a copy of this Order, to suspend all merchant services with the Defendants and those in active concert or participation with them and to discontinue the processing, clearing and guaranteeing charges for purchases from the Defendants and those in active concert with them until further order from this Court.
- 5. All search engine operators, including but not limited to Google, Bing, and Yahoo! are ORDERED within ten (10) days of their receipt of a copy of this Order, to discontinue the running of any advertisements by or for the benefit of the Defendants and those in active concert or participation with them, and not to permit Defendants and those

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in active concert or participation with them any preferential placement in a search results display or on a search results page, whether through paid placement, advertising, sponsorship or by an index or other word search process until further order from this Court.

- 6. All persons and entities providing telecommunications services to the Defendants who receive a copy of this Order, are ORDERED, within ten (10) days of their receipt of a copy of this Order, to suspend all U.S. telephone and facsimile services for the benefit of the Defendants and those in active concert or participation with them, including but not limited to the numbers 877-616-7256, and 212-465-2548, and to provide no other services to the Defendants until further order from this Court.
- 7. The Defendants shall comply fully with the Default Judgment Order within seven (7) days of receipt of this Order. For every day thereafter that the Defendants fail to comply with the Default Judgment Order, the Defendants shall each pay Bayer a fine of US \$1,000 per calendar day until such time as that Defendant fully complies. Plaintiff is directed to report to the Court promptly upon any Defendant's compliance, and in any event, shall report to the Court no later than 120 days after such fines come into effect with respect to the Defendants' compliance or continued contempt.

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If a Defendant brings its conduct into compliance with the Orders of this court, it shall inform the court in writing and may file a motion seeking relief from the injunctive contempt sanctions entered by this Court.

SO ORDERED this 5 m day of , 2012